

Exhibit B

FEB 14, 2023 11:48 AM


 Chanay Clemens, Clerk
 Clayton County, Georgia

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

CLAYTON COUNTY MEDICAL EXAMINER'S)
 OFFICE,)

Petitioner,)

v.)

CLAYTON COUNTY SHERIFF,)
 IN HIS OFFICIAL CAPACITY,)

Respondent.)

Civil Action No. 2023CV00666-11

PETITION FOR MANDAMUS

COMES NOW the Clayton County Medical Examiner's Office, pursuant to O.C.G.A. § 9-6-20, and files this Petition for Mandamus against the Clayton County Acting Sheriff, in his official capacity, asking that the Court Order the Clayton County Acting Sheriff to comply with the 3rd Request, Subpoena to Produce Documents, attached hereto as Exhibit "A," showing the Court as follows:

FACTS

On January 26, 2023, Mr. Alan Willison (processed in jail as inmate Alan Williamson) passed away while in the custody of the Clayton County Sheriff. On February 1, 2023, the Clayton County Medical Examiner's Office served its 1st Request, Subpoena to Produce Documents, requesting, inter alia, the following:

- All Medicaid records for the deceased;
- All files, reports and booking forms in relation to the deceased;
- All communications through inmate messaging system; and

- Incident reports or statements in reference to the death of the above deceased by employee's, contractors (medical) to include written statements, emails and internal forms.

The Clayton County Sheriff did not comply with the subpoena.

On February 3, 2023, the Clayton County Medical Examiner's Office served its 2nd Request, Subpoena to Produce Documents, requesting, inter alia, the following:

- All Medicaid records for the deceased;
- All files, reports and booking forms in relation to the deceased;
- All communications through inmate messaging system;
- Incident reports or statements in reference to the death of the above deceased by employee's, contractors (medical) to include written statements, emails and internal forms.

The Clayton County Sheriff did not comply with the subpoena.

On February 7, 2023, the Clayton County Medical Examiner's Office served its 3rd Request, Subpoena to Produce Documents, requesting, inter alia, the following:

- All Medical records for the deceased;
- All files, reports and booking forms in relation to the deceased;
- All communications through inmate messaging system; and
- Incident reports or statements in reference to the death of the above deceased by employee's, contractors (medical) to include written statements, emails and internal forms.

To date, the Clayton County Sheriff has not complied with the subpoena.

The Clayton County Sheriff's complete disregard of the subpoena and the failure to comply with the statutory requirements demonstrates that the Sheriff has acted in bad faith and has been stubbornly litigious.

ARGUMENT AND CITATION OF AUTHORITIES

Under the Georgia Death Investigation Act, O.C.G.A. §§ 45-16-20 and 45-16-24 (8), the Clayton County Medical Examiner's Office is required to conduct an investigation into every in-custody death that occurs in the Clayton County Jail. The Medical Examiner is authorized to collect documents in connection with its investigation O.C.G.A. § 45-16-34.

Clearly, the documentation sought is relevant to the Medical Examiner's investigation into determining the cause, manner, and circumstances of death. Upon information and belief, the Georgia Bureau of Investigation was never contacted to conduct its own investigation into the cause of death. The Medical Examiner, however, has a separate and independent duty to conduct its own investigation and make its own determination as to cause, manner, and circumstances of death.

WHEREFORE, for the foregoing reasons, the Clayton County Medical Examiner respectfully requests that the Court:

- a) grant the Medical Examiner's Petition to Mandamus the Clayton County Sheriff;
- b) award the County Medical Examiner its attorneys' fees under O.C.G.A. § 9-15-14(a); and
- c) grant the Medical Examiner such further and other relief as the Court deems just and proper.

This 14th day of February, 2023.

LAW OFFICE OF S. SAMUEL GRIFFIN

/s/ S. Samuel Griffin

S. Samuel Griffin

Ga. Bar No. 311440

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EXHIBIT A



Clayton County Medical Examiner's Office

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3rd Request / Final Request

SUBPOENA TO PRODUCE DOCUMENTS

TODAY'S DATE: 02/01/2023 DOB: 07/01/1990

DECEDENT: Alan Willison (Clayton County Jail Inmate)

Date of Death: 01-26-2023

TO: Sheriff LeVon Allen, Clayton County Sheriff's Office or
Custodian of Records

This document is the official request for records from the Clayton County Georgia Medical Examiner's Office and such should be honored (Pursuant to Georgia Annotated Code Section 45-16-20 "Georgia Death Investigation Act" and 45-16-34) and the requested records copied and mailed to the above address or faxed to 678-285-5957. You can also contact our office if it is easier for us to come pick up the requested documents.

DESCRIPTION OF RECORDS REQUESTED:

1. All Medical records for the deceased.
2. All files, reports and booking forms in relation to the deceased.
3. All communications through inmate messaging system.
4. Incident reports or statements in reference to the death of the above deceased by employee's, contractors (medical) to include written statements, emails and internal forms

Thank you in advanced on your prompt attention to this matter.

Brian Byars, Director, Requestor's Name & Title

770-347-0222, Contact Number


Requestor's Official Signature